IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 57 OF 2005

Poonam A. Kapadia .. Applicant

versus

Ashish R. Kapadia .. Respondents

...

Mr.Jayendra Khairnar for the applicant.

Mr.Anurag Jain for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 14th October 2005.

P.C.:

1. The applicant’s father and respondent husband are present in the Court. The learned counsel on instructions state that the parties held a meeting and the wife has expressed her desire to join the husband’s company provided he gives up alcohol consumption. As per the wife, the husband behaves

normally if he is free from alcohol drinks. The husband in turn proposes to get admitted in a Rehabilitation Centre at Pune some time in the first week of November 2005 for a period of four to eight weeks and show his determination to free himself from the drinking habits. He also proposes to provide a separate home for himself and his wife and children. The wife has also indicated that she would join him depending upon his progress in the process/treatment for rehabilitation.

2. Both the partners thus seem to be keen to restore to matrimonial life in due course. The husband expresses his desire that while he is admitted in the rehabilitation centre, the wife should come with children and stay at Pune for some time. The applicant’s father who is present in the Court is not inclined to commit himself on this issue because it is ultimately for the wife to decide and the father has re-iterated that the family would not come in the way of the applicant if she desires to join her husband’s company at any time.

3. It would therefore be in the interest of both the parties and more particularly so as to

facilitate the restoration of normal matrimonial life between the parties that this application is disposed off without any orders and in any case their respective legal rights will not be affected by such disposal.

4. Therefore, this application is disposed off as not pressed at this stage with liberty as is available in law.

B.H. MARLAPALLE, J